

DOCKET NO.: DXU-0007/02-0486D

PATENT

Via EFS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Ryszard M. Lec, et al.
Application No.: 10/826,567
Filing Date: April 16, 2004
For: Acoustic Blood Analyzer For Assessing Blood Properties

Confirmation No.: 2115
Group Art Unit: 3735
Examiner: Karen E. Toth

**PETITION UNDER 37 CFR § 1.59(b) TO EXPUNGE INFORMATION
UNINTENTIONALLY SUBMITTED IN APPLICATION**

1. Applicants respectfully request that the below listed documents submitted electronically on September 25, 2009, be expunged from the file in this application because these documents were inadvertently filed in this instant application in error. The following documents were unintentionally submitted:
 - a. Amendment Pursuant to 37 CFR, § 1.111 identified by Attorney Docket Number DXVB-0002/06-0708 and by Application Number 11/418,598 (**NOT** the amendment pursuant to 37 CFR § 1.111 filed in the instant application on the same day and identified by Attorney Docket Number DXU-0007/02-0486D);
 - b. Petition for Extension of Time Under 37 CFR § 1.136(a) for a three-month extension of time, associated with the misfiled reply under 37 CFR § 1.111 identified by Attorney Docket Number DXVB-0002/06-0708 and by Application Number 11/418,598 (**NOT** the request for a one-month extension of time associated with the reply pursuant to 37 CFR § 1.111 filed in the instant application on the same day and identified by Attorney Docket Number DXU-0007/02-0486D);
 - c. Claim listing and Remarks associated with the Reply Pursuant to 37 CFR, § 1.111 identified by Attorney Docket Number DXVB-0002/06-0708 and by Application Number 11/418,598 (**NOT** the claim listing and remarks associated with the reply pursuant to 37 CFR § 1.111 filed in the instant application on the same day and identified by Attorney Docket Number DXU-0007/02-0486D);
 - d. EFS acknowledgement identified by the ID 6148569 and associated with the Reply Pursuant to 37 CFR, § 1.111 identified by Attorney Docket Number DXVB-0002/06-0708 and by Application Number 11/418,598 (**NOT** the EFS

acknowledgement identified by the ID 6148353 associated with the reply pursuant to 37 CFR § 1.111 filed in the instant application on the same day and identified by Attorney Docket Number DXU-0007/02-0486D);

- e. EFS Fee Worksheet for a three-month extension of time associated with the Petition for Extension of Time Under 37 CFR § 1.136(a) for a three-month extension of time, associated with the misfiled reply under 37 CFR § 1.111 identified by Attorney Docket Number DXVB-0002/06-0708 and by Application Number 11/418,598 (NOT the Fee Worksheet associated with the request for a one-month extension of time associated with the reply pursuant to 37 CFR § 1.111 filed in the instant application on the same day and identified by Attorney Docket Number DXU-0007/02-0486D); and
- f. Transmittal Form associated with the Reply Pursuant to 37 CFR, § 1.111 identified by Attorney Docket Number DXVB-0002/06-0708 and by Application Number 11/418,598 (NOT the transmittal form associated with the reply pursuant to 37 CFR § 1.111 filed in the instant application on the same day and identified by Attorney Docket Number DXU-0007/02-0486D).

2. The above-identified unintentionally submitted information was intended to be filed in Application Number 11/418,598 and was, in fact, filed in that application on the same day.
3. Petitioner confirms that the Applicants will retain the information submitted herewith for the period of any patent with regard to which this information is submitted.
4. Petitioner submits that the above-identified information which is requested to be returned is not material information under 37 CFR §1.56.
5. This Petition to expunge is being submitted by the party in interest who originally submitted the information.
6. The petition fee required by 37 CFR §1.17(g) is to be paid as follows:
 - A check in the amount of \$200.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
 - Please charge Deposit Account No. 23-3050 in the amount of \$200.00.
 - The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050.

Date: September 29, 2009

/Michael Jordan/

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